

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24817 of 2004

Between:

M. Ramulu, S/o. Gurappa, Hindu,
Govt. Jr. College, Banswada, Nizamabad District.

..... PETITIONER

AND

- 1 The Government of Junior College, Banswada, Nizamabad District, Rep by its Principal
- 2 The Director of Intermediate Education, Govt. of A.P. Nampalli, Hyderabad.
- 3 The Government of A.P. Rep by its Secretary, Department of Higher Education, Secretariat, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent in not continue the petitioner as Commerce Lecturer as per the agreement made between the petitioner and Respondents as illegal, arbitrary and in violation of principles of Natural justice and consequently direct the Respondents to continue the petitioner as Commerce Lecturer till the end of agreement period i.e. 28-2-2005 in proceedings and dt. 3-9-2004 pass such other order or orders

Counsel for the Petitioner:MR.S.ABHAY KUMAR SAGAR

Counsel for the Respondent.: GP FOR HIGHER EDUCATION

The Court made the following :

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ORAL ORDER:

For not continuing the petitioner as Lecturer of Commerce as per the agreement, dated 6.10.2004 made between the petitioner and the respondents, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Higher Education.

The facts are not in dispute. The petitioner was appointed by the 2nd respondent as Lecturer of Commerce on contract basis vide proceedings No.Rc.RD Ser.112/2138/2003, dated 16.9.2004. The validity of the contract period is upto 28.2.2005, and since the date of his appointment, the writ petitioner has been discharging his duties. Contrary to the terms of the contract of agreement, the writ petitioner was orally instructed not to attend the classes from 27.12.2004. The act of the respondents in terminating the services of the petitioners orally is contrary to the terms of contract of agreement, which was in force till 28.2.2005.

Therefore, the writ petition is allowed directing the respondents to continue the petitioner as per agreement till 28.2.2005. No order as to costs.

(K.C. BHANU,J.)

29th December, 2004.

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To

- 1 The Government of Junior College, Banswada, Nizamabad District, Rep by its Principal
- 2 The Director of Intermediate Education, Govt. of A.P. Nampalli, Hyderabad.
- 3 The Government of A.P. Rep by its Secretary, Department of Higher Education, Secretariat, Hyderabad.
- 4 Two C.Cs. to the Government Pleader for Higher Education, High Court Buildings, Hyderabad (OUT)
- 5 Two C.D. copies